

# OFFICE OF THE ATTORNEY GENERAL

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STATE OF ALABAMA  
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Honorable Wendell Mitchell  
Member, Alabama State Senate  
Post Office Box 225  
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Prisons and Prisoners -  
Private Schools - Private Work

No provision of law prohibits  
the Department of Corrections  
from allowing inmates to work  
on the Faulkner University  
campus.

Dear Senator Mitchell:

This opinion is issued in response to your request for  
an opinion from the Attorney General.

## QUESTION

Is there any law in Alabama which  
will preclude the Department of Correc-  
tions from furnishing these prisoners to  
work on the Faulkner University campus  
under the facts presented?

## FACTS AND ANALYSIS

The facts you have set out in your request for an  
opinion are as follows:

For several years the State Depart-  
ment of Corrections has furnished to  
Faulkner University for service work on  
campus a number of prison inmates from

Red Eagle Honor Farm, the low risk, good behavior prison inmate camp. These inmates pick up trash, they do yard work, they plant shrubs, they do handiwork and otherwise put in a full day of labor, all on the Faulkner University campus in Montgomery. Their meals are furnished by Faulkner University, as well as their clothing. The state bears no expense in connection with this work, and all of the prisoners are constantly under surveillance by campus security.

There is no law in Alabama which precludes the Department of Corrections from furnishing prisoners to work on the Faulkner University campus under the above set of facts. The law authorizes the employment of inmates at such labor, in such places, and under such regulations as are determined by the Department of Corrections and gives the Department of Corrections broad discretion in making such determinations, which are not reviewable by this office. Thus, the rules and regulations of the Department of Corrections concerning inmate employment should be consulted.

The Code of Alabama 1975, § 14-3-47 provides:

**"§ 14-3-47. Employment -- Authorized; regulations; department authorized to establish posts; camps, etc., for labor, discipline, etc., programs; limitations.**

"(a) State inmates shall be employed at such labor, in such places and under such regulations within the state as may be determined by the department of corrections. The department of corrections is expressly authorized to establish posts, camps or stations in conjunction with labor, discipline or rehabilitation programs. The department of corrections is authorized to direct inmates to work at any labor and at any site except as provided otherwise by law. The department of corrections is further authorized to direct inmates to participate in programs designed to improve their physical or mental or psychological well-being; or

programs designed to instill discipline and a sense of responsibility in state inmates and the department of corrections is expressly authorized to establish posts, camps or stations to implement such programs.

"(b) The department of corrections is expressly authorized to adopt rules and regulations to expend funds, to enter contracts and to do any other activity reasonably necessary to establish, regulate and control the programs as outlined in subsection (a) above.

"(c) The department of corrections shall establish rules and regulations for the operation of these programs as outlined in subsection (a) above to ensure that all reasonable steps are taken to protect the public; and in no case shall an inmate convicted of capital murder; rape in the first degree; sodomy in the first degree be placed in a program as outlined in subsection (a) above."

The legislature has thus given the Department of Corrections broad discretion in their authority to establish work programs for inmates and to promulgate rules and regulations concerning those programs for inmates. The Department of Corrections is authorized to establish and to direct inmates to participate in programs designed to instill discipline and a sense of responsibility in inmates, as well as programs designed to improve the inmates' physical, mental, and psychological well-being. The Department of Corrections is authorized by statute to enter into contracts to establish, regulate, and control such programs.

The Department of Corrections is expressly authorized to direct inmates to work at any labor and at any site except as otherwise provided by law. We should point out that § 11-5-11, Code of Alabama 1975, provides that inmates may not be employed by or do any work for any district attorney, judge, sheriff or any business one-third or more of which is owned by any district attorney, judge, or sheriff or their parents, siblings or children.

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To the extent that this opinion is in conflict with the opinion written to Morris L. Thigpen, dated November 17, 1988, A.G. No. 89-00041, in which the provisions of Code of Alabama 1975, § 14-3-47 were not considered, that opinion is overruled.


CONCLUSION

No provision of law prohibits the Department of Corrections from allowing inmates to work on the Faulkner University campus.

I hope this sufficiently answers your question. If our office can be of further assistance, please contact Jane L. Brannan of my staff.

Sincerely,

JEFF SESSIONS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR. *lifted*  
Chief, Opinions Division

JS/JLB/jho  
M5.95/OP